

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|---------------------------|---|---------------------|
| -----X | : | |
| SHENG-WEN CHENG, | : | |
| | : | |
| Plaintiff, | : | |
| | : | 23-CV-7602 (VSB) |
| -against- | : | |
| | : | <u>ORDER</u> |
| UNITED STATES OF AMERICA, | : | |
| | : | |
| Defendant. | : | |
| -----X | : | |

VERNON S. BRODERICK, United States District Judge:

On August 24, 2023, Plaintiff Sheng-Wen Cheng, incarcerated and proceeding pro se, filed this suit against the United States. (Doc. 1.) Simultaneously, Cheng filed an application to proceed in forma pauperis—that is, without prepaying fees or costs. (Doc. 2.) That application was granted on October 5, 2023. (Doc. 6.)

This case appears to be but one of many that Cheng has filed in federal court while incarcerated. Of these cases, at least five have been dismissed: (1) *Cheng v. United States*, No. 22-CV-10536 (S.D.N.Y. Mar. 27, 2024), Doc. 84; (2) *Cheng v. Grenier*, No. 23-CV-0485, 2024 WL 168627, at *5 (D. Minn. Jan. 16, 2024); (3) *Cheng v. Garland*, No. 23-CV-229, 2023 WL 7412095 (S.D.N.Y. Nov. 8, 2023); (4) *Cheng v. Cash*, No. 23-CV-2150, 2023 WL 3948850 (S.D.N.Y. June 12, 2023); (5) *Cheng v. Wilcox*, No. 23-CV-737, 2023 WL 4059770 (D. Minn. June 8, 2023), *report and recommendation adopted*, No. 23-CV-737, 2023 WL 5110286 (D. Minn. Aug. 9, 2023).

Because a prisoner who accumulates three or more strikes under the Prison Litigation Reform Act (the “PLRA”) may not proceed in forma pauperis unless he is under imminent danger of serious physical injury, 28 U.S.C. § 1915(g), it is hereby

ORDERED that the Government shall file a letter, by April 12, 2024, setting forth its position as to whether Cheng, based on the above-referenced cases or any others that I have not specifically identified, has accumulated at least three strikes under the PLRA.

SO ORDERED.

Dated: March 27, 2024
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, slightly stylized font. The first name "Vernon" is written with a large, looping 'V' and the last name "Broderick" is written in a similar cursive style.

Vernon S. Broderick
United States District Judge